

## **REMARKS**

**[0003]** Applicant respectfully requests entry of the following remarks and reconsideration of the subject application. Applicant respectfully requests entry of the amendments herein. The remarks and amendments should be entered under 37 CFR. § 1.116 as they place the application in better form for appeal, or for resolution on the merits.

**[0004]** Applicant respectfully requests reconsideration and allowance of all of the claims of the application. Claims 21, 23, 25, 27-30 are presently pending. Claims amended herein are 1, 4-8, 10, 12-15, 17, 21, 23 and 27-29. Claim 26 is canceled herein. No new claims are added herein.

### **Statement of Substance of Interview**

**[0005]** The Examiner graciously talked with me—the undersigned representative for the Applicant—on Wednesday, January 21, 2009. Applicant greatly appreciates the Examiner's willingness to talk. Such willingness is invaluable to both of us in our common goal of an expedited prosecution of this patent application.

**[0006]** During the interview, we discussed several possible amendments to the claims and how the proposed claims differed from the cited reference, namely Hanson et al. I understood the Examiner to agree that independent claim 21 would be patentable over the cited art if amended as discussed during the interview.

**[0007]** Applicant herein amends the claims in the manner discussed during the interview. Accordingly, Applicant submits that the pending claims are allowable over the cited reference for at least the reasons discussed during the interview.

### **Formal Request for an Interview**

**[0008]** If the Examiner's reply to this communication is anything other than allowance of all pending claims, then I formally request an interview with the Examiner. I encourage the Examiner to call me—the undersigned representative for the Applicant—so that we can discuss this matter so as to resolve any outstanding issues quickly and efficiently over the phone.

**[0009]** Please contact me to schedule a date and time for a telephone interview that is most convenient for both of us. While email works great for me, I welcome your call as well. My contact information may be found on the last page of this response.

### **Allowable Subject Matter**

**[0010]** Applicant would like to thank the Examiner for allowing claims 1 and 4-20. The Applicant presents, herein, amendments to claims 1, 4-8, 10, 12-15 and 17. The amendments to claims 1, 4-8, 10, 12-15 and 17 are to clarify the grammar and/or readability of the claims. The Applicant respectfully asserts that claims 1, 5-8, 10, 12-15 and 17 remain allowable.

## **Claim Amendments**

**[0011]** Without conceding the propriety of the rejections herein and in the interest of expediting prosecution, the Applicant amends claims 1, 4-8, 10, 12-15, 17, 21, 23 and 27-29 herein. Claim 21 is amended to include subject matter from dependent claim 26.

**[0012]** The Applicant amends claims to clarify claimed features. Such amendments are made to expedite prosecution and more quickly identify allowable subject matter. Such amendments are merely intended to clarify the claimed features, and should not be construed as further limiting the claimed invention in response to the cited reference.

## **Formal Matters**

### **Claims**

[0013] The Examiner objects to claims 26-29 for "being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims." (Action, page 4). Herein, Applicant amends these claims, as shown above, to address the objection made by the Examiner, and to expedite prosecution. The Applicant asserts that these claims are now in condition for allowance.

## **Substantive Matters**

### **Claim Rejections under § 102**

[0014] Claims 21, 23, 25, and 30 are rejected under 35 U.S.C. § 102. In light of the amendments presented herein and the agreements reached during the above-discussed Examiner interview, Applicant submits that these rejections are now moot. Accordingly, Applicant asks the Examiner to withdraw these rejections.

[0015] The Examiner's rejections are based upon the reference *Hanson, et al.*, US Patent No. 6,546,425 (issued April 8, 2003).

### **Overview of the Application**

[0016] The Application describes a technology for a middle layer network protocol enhancement, virtual connectivity (VC) makes the network attachment point changes of local and remote peers transparent to applications that use network services. A virtual connectivity module local to each peer translates communication connection parameters from apparent to real and vice versa, as well as sending and receiving secure connection updates directly to and from peers. Unlike Mobile IP, no routing infrastructure modifications are required. A subscribe-notify service provides connection update notifications when direct peer-to-peer connection updates are not possible, for example, when two communicating peers move simultaneously or when the moving peer is communicating with a peer behind network address translation (NAT). Methods

for detecting these conditions are disclosed, as is a virtual connectivity protocol and virtual connectivity module architecture. (Application, Abstract).

### **Cited References**

**[0017]** The Examiner cites Hanson as the primary reference in the anticipation-based rejections.

#### **Hanson**

**[0018]** Hanson describes a technology for a seamless solution which transparently addresses the characteristics of nomadic systems, and enables existing network applications to run reliably in mobile environments. The solution extends the enterprise network, letting network managers provide mobile users with easy access to the same applications as stationary users without sacrificing reliability or centralized management. (Hanson, Abstract).

## **Anticipation Rejections**

[0019] Applicant submits that the anticipation rejections are not valid because, for each rejected claim, no single reference discloses each and every element of that rejected claim.<sup>1</sup> Furthermore, the elements disclosed in the single reference are not arranged in the manner recited by each rejected claim.<sup>2</sup>

### **Based upon Hanson**

[0020] The Examiner rejects claims 21, 23, 25, and 30 under 35 U.S.C. § 102(b) as being anticipated by Hanson. Applicant submits the amended claims and respectfully requests the Examiner to withdraw the rejection of these claims.

### **Independent Claim 21**

[0021] Applicant submits that Hanson does not anticipate this claim because it does not disclose at least the following features as recited in this claim (in part):

"wherein the means for storing one identifier for each of the one or more close peers comprises a multilevel routing table cache (MRTC);  
wherein each level in the MRTC includes a maximum number of entries,

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<sup>1</sup> "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987); also see MPEP §2131.

<sup>2</sup> See *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

wherein each level in the MRTC represents a segment of a number space corresponding to an identifier of the respective first and second means,

wherein the top level of the MRTC spans the entire number space,

wherein each successively lower level comprises successively smaller spans,

wherein each said span in a level below the top level is a smaller segment than the entire number space,

wherein each said span is clustered around one said identifier a corresponding said close peer, and

wherein the relative proximity between the close peers corresponds to the respective identifiers.”

**[0022]** Amended independent claim 21 includes elements and features from dependent claim 26. The Examiner indicated that claim 26 is allowable if written as an independent claim. Instead of writing claim 26 as an independent claim, the Applicant herein amends independent claim 21 to include the features and elements of dependent claim 26 and cancels claim 26.

**[0023]** The Applicant respectfully asserts that amended independent claim 21 is in condition for allowance because it recites allowable features and elements formerly found in allowable dependent claim 26. Accordingly, Applicant asks the Examiner to withdraw the rejection of this claim and pass this claim and the claims which depend from claim 21 onto issuance.



*Dependent Claims 23, 25 and 27-30*

[0024] These claims ultimately depend upon amended independent claim 21. As discussed above, amended claim 21 is in condition for allowance. It is axiomatic that any dependent claim which depends from an allowable base claim is also allowable. Additionally, some or all of these claims may also be in condition for allowable for additional independent reasons.

**Dependent Claims**

[0025] If not individually addressed above, in addition to its own merits, each dependent claim is allowable for the same reasons that its base claim is allowable. Applicant requests that the Examiner withdraw the rejection of each dependent claim where its base claim is allowable.

## **Conclusion**

[0026] All pending claims are in condition for allowance. Applicant respectfully requests reconsideration and prompt issuance of the application. If any issues remain that prevent issuance of this application, the **Examiner is urged to contact me before issuing a subsequent Action.** Please call or email me at your convenience.

Respectfully Submitted,

Lee & Hayes, PLLC  
Representatives for Applicant

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